

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #6	CCRB Case #: 202001023	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/03/2020 3:30 PM	Location of Incident: Avenue M Subway station (Avenue M between East 16th Street and Elm Avenue)	Precinct: 70	18 Mo. SOL 8/3/2021	EO SOL 3/20/2022	
Date/Time CV Reported Thu, 02/06/2020 5:17 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 02/06/2020 5:17 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Lisa Morro	13801	953143	TB DT34

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Radwa Mohamed	26233	967208	TB DT34

Officer(s)	Allegation	Investigator Recommendation
A.POF Lisa Morro	Abuse: Police Officer Lisa Morro stopped § 87(2)(b)	
B.POF Lisa Morro	Abuse: Police Officer Lisa Morro ejected § 87(2)(b) from the subway system.	
C.POF Lisa Morro	Force: Police Officer Lisa Morro used physical force against § 87(2)(b)	
D.POF Lisa Morro	Abuse: Police Officer Lisa Morro threatened to arrest § 87(2)(b)	
E.POF Lisa Morro	Abuse: Police Officer Lisa Morro failed to provide § 87(2)(b) with a business card.	

### Case Summary

On February 6, 2020, § 87(2)(b) submitted this complaint via the Call Processing System as a reporting non-witness. On February 8, 2020, § 87(2)(b) submitted this complaint via the CCRB website as a reporting non-witness. Both complaints were on behalf of § 87(2)(b)s 15-year-old daughter. § 87(2)(g)

On February 3, 2020, at approximately 4:00 p.m., § 87(2)(b) entered the Avenue M subway station in Brooklyn with four school friends. PO Lisa Morro and PO Radwa Mohamed of Transit District 34 held open the emergency exit gate so that students from § 87(2)(b) High School could enter the station for free. All four of § 87(2)(b)s friends walked into the station through the emergency exit gate. § 87(2)(b) attempted to enter the station by jumping over the turnstile, but she fell backwards, unable to get over. She walked through the emergency exit gate and attempted to enter the station. PO Morro stopped § 87(2)(b) by standing in her path (**Allegation A: Abuse of Authority:** § 87(2)(g) PO Morro told § 87(2)(b) to swipe her Metro Card. § 87(2)(b) did not comply, and PO Morro told her she was ejected from the station (**Allegation B: Abuse of Authority:** § 87(2)(g) PO Morro pushed § 87(2)(b) out of the station (**Allegation C: Force:** § 87(2)(g) Outside of the station, PO Morro threatened to arrest § 87(2)(b) for disorderly conduct (**Allegation D: Abuse of Authority:** § 87(2)(g) PO Morro failed to provide § 87(2)(b) with a business card (**Allegation E: Abuse of Authority:** § 87(2)(g)

IAB confirmed that PO Morro and PO Mohamed received substantiated allegations via IAB Log number 2020-4023 for not activating their BWCs. As such, no OMN allegation was noted. The MTA confirmed that there was no surveillance footage of this incident.

The investigation obtained cell phone footage (BR 05). § 87(2)(g)

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer Lisa Morro stopped § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Lisa Morro ejected § 87(2)(b) from the subway system.**

Cell phone footage taken by one of § 87(2)(b)s friend's, § 87(2)(b) and provided by § 87(2)(b) (BR 05), beginning at 0 seconds, showed § 87(2)(b) inside the entrance to the Avenue M subway station, past the turnstiles, in front of an emergency exit gate. PO Morro told § 87(2)(b) that she was going to eject her.

No other video footage was available (BR 16).

§ 87(2)(b) testified that when she first entered the Avenue M subway station, she was with her schoolmates § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) (last names unknown). PO Morro and PO Mohamed had propped open the emergency exit to allow students to enter the subway system without swiping their Metro Cards. § 87(2)(b) told her friends to walk through the emergency gate, and they did. § 87(2)(b) asked her friends to video record as she jumped over the turnstile. Once her friends were through, § 87(2)(b) grabbed either side of the turnstile and attempted to jump over. However, she was not able to lift her leg over the turnstile, and she fell backwards. Although she expected someone to, no one recorded this portion of the incident. § 87(2)(b) walked to the open emergency exit gate, where PO Morro and PO Mohamed stood. PO Morro pointed at § 87(2)(b) and said she had to go back and swipe her Metro Card if she wanted to enter the subway station.

PO Morro's testimony was consistent with § 87(2)(b) s. When § 87(2)(b) approached the emergency exit gate, she told § 87(2)(b) that she had been disrespectful and needed to use her student Metro Card to gain access to the subway station. § 87(2)(b) replied that PO Morro allowed everyone else to get into the station for free. PO Morro told § 87(2)(b) that she was not allowing her free access through the exit gate because she tried to jump over the turnstile. PO Morro stopped § 87(2)(b) because jumping over the turnstile without paying her fare would have constituted a misdemeanor for theft of services, because her permission to enter the station was limited to entering through the emergency gate.

PO Mohamed testified that after § 87(2)(b) failed to jump over the turnstile, PO Morro told § 87(2)(b) to swipe her MetroCard. When § 87(2)(b) did not, PO Morro told her that she had lost the privilege of entering the subway station. This was the only time PO Mohamed had ever seen a student ejected from a subway station and did not believe § 87(2)(b) did anything she could have been arrested for.

The MTA defines disorderly conduct, or 'Breach of Peace,' as someone conducting themselves in a manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace. NYCRR Part 1050.4 (a) (BR 17). Any person who violates any part of New York Codes, Rules and Regulations (NYCRR) Part 1050 is subject to ejection from New York City Transit facilities. Patrol Guide Procedure 212-20 (BR 08).

A person is guilty of theft of services when, with intent to obtain subway service without payment of the lawful charge, or to avoid payment of the lawful charge for such transportation service which has been rendered to him, they attempt to obtain such service or avoids or attempts to avoid payment by stealth, deception, mechanical tampering, or by unjustifiable failure or refusal to pay New York Penal Law §165.15 (BR 07). No person shall, for purposes of gaining entry into a facility, proceed over or under any turnstile or otherwise proceed in any other unauthorized manner through an exit gate or through or past any other point at which a fare is required. NYCRR Part 1050.4 (a) (BR 09).

It is undisputed that PO Morro and PO Mohamed offered all students free access to the subway station, § 87(2)(b), § 87(2)(g) § 87(2)(b).

§ 87(2)(b), § 87(2)(g) § 87(2)(b) § 87(2)(b).

§ 87(2)(b), § 87(2)(g) § 87(2)(b) § 87(2)(b).

### **Allegation C – Force: Police Officer Lisa Morro used physical force against § 87(2)(b)**

Cell phone footage taken by § 87(2)(b) and provided by § 87(2)(b) (BR 05), beginning at two seconds, showed that when PO Morro told § 87(2)(b) that she was going to eject her from the station, she also told § 87(2)(b) to start walking. § 87(2)(b) stood in place. PO Morro said, "Start walking or I'm going to put my hands on you and I'm gonna eject you." § 87(2)(b) asked PO Morro if she in fact had to swipe her Metro Card as the officers had let others through the emergency gate. PO Morro

replied that the other classmates did not jump the turnstile and then ordered § 87(2)(b) to start walking. PO Morro placed her right hand on § 87(2)(b)'s left shoulder. § 87(2)(b) told PO Morro not to touch her. PO Morro told her to walk out and pushed her in the shoulders. § 87(2)(b) took a step back and told PO Morro not to touch her. PO Morro repeatedly pushed § 87(2)(b) in the shoulders and told her to walk out. § 87(2)(b) responded each time by taking one or two steps back, asking what PO Morro was doing, and telling PO Morro not to touch her. At the entrance to the station, § 87(2)(b) placed her hands up. PO Morro pushed § 87(2)(b) back by her hands and pushed her by the chest two additional times.

§ 87(2)(b) testified that PO Morro pointed at her and said she had to go back and swipe her Metro Card if she wanted to enter the subway station. § 87(2)(b) asked why and noted that no one else swiped their card. § 87(2)(b) refused to swipe her Metro card because other students had been let in without having to swipe. PO Morro stepped toward § 87(2)(b) and said that she would have to remove her from the subway station. PO Morro pushed § 87(2)(b)'s chest and shoulders, moving her backward, approximately five times, until she was completely out of the subway station.

PO Morro testified that when § 87(2)(b) refused to leave, she put her palms out at shoulder height and pushed outward, making contact with § 87(2)(b)'s shoulders multiple times because § 87(2)(b) stood in place and refused to move back. Each time PO Morro pushed § 87(2)(b)'s shoulder area, she repeated the instruction for § 87(2)(b) to leave. Each time, § 87(2)(b) refused to move, until PO Morro pushed her completely out of the subway station. PO Morro pushed § 87(2)(b) because she was ejected from the subway system and refused to leave when asked.

Any use of force must be reasonable under the circumstances. Officers will only use reasonable force to gain control or custody of a subject. Patrol Guide Procedure 221-01 (BR 10).

PO Morro stated that she pushed § 87(2)(b) by the shoulders to eject her from the subway station. As § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

#### **Allegation D – Abuse of Authority: Police Officer Lisa Morro threatened to arrest § 87(2)(b)**

Cell phone footage taken by § 87(2)(b) and provided to the investigation by § 87(2)(b) (BR 05), beginning at 41 seconds, showed PO Morro inform § 87(2)(b) that she was no longer allowed in the subway. § 87(2)(b) asked PO Morro if she was serious and if she was crazy. PO Morro asked § 87(2)(b) “Do you want to get arrested?” § 87(2)(b) asked if PO Morro was going to arrest her for trying to go home. PO Morro asked § 87(2)(b) “Do you want to be arrested for disorderly conduct?” § 87(2)(b) replied that she was not doing anything. PO Morro told her she was not doing anything. § 87(2)(b) asked if she was serious. PO Morro replied that she was. § 87(2)(b) walked away.

§ 87(2)(b) testified that PO Morro threatened her with arrest. She did not remember the exact wording of the threat, but it included something about disorderly conduct.

PO Morro testified that she ejected § 87(2)(b) from the subway station and did not allow her to reenter because she felt § 87(2)(b)'s friend would have “amped her up” and caused her to be disorderly. She told § 87(2)(b) that if she did not leave the station and then acted disorderly, she would be arrested.

PO Mohamed testified that PO Morro told § 87(2)(b) that she could be arrested. PO Mohamed did not believe § 87(2)(b) did anything she could have been arrested for.

A person is guilty of criminal trespass when they knowingly enter or remain in a building enclosed in a manner designed to exclude intruders. New York Penal Law §140.10 (BR 18).

The MTA defines disorderly conduct, or ‘Breach of Peace,’ as someone conducting themselves in a manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace. NYCRR Part 1050.4 (a) (BR 17). Any person who violates any part of New York Codes, Rules and Regulations (NYCRR) Part 1050 is subject to ejection from New York City Transit facilities. If the passenger’s conduct is such that it requires more force than is ordinarily needed to guide the passenger out of the transit system, an arrest may be appropriate. Patrol Guide Procedure 212-20 (BR 08).

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED].

**Allegation E – Abuse of Authority: Police Officer Lisa Morro failed to provide § 87(2)(b) with a business card.**

Cell phone footage taken by § 87(2)(b) and provided to the investigation by § 87(2)(b) (BR 05), beginning at 45 seconds, showed PO Morro inform § 87(2)(b) that she was no longer allowed in the subway system. § 87(2)(b) walked away. The footage did not depict PO Morro offer a business card or provide her name or shield number.

§ 87(2)(b) testified that PO Morro did not provide her with a business card, and that she did not obtain PO Morro’s name or shield number.

PO Morro testified that after she informed § 87(2)(b) that she could not come back into the station, § 87(2)(b) left. PO Morro normally carried business cards, but on this day, she had run out. The only reason she did not provide a business card was because she did not have one.

An officer shall offer a business card at the conclusion of law enforcement activity that does not result in an arrest or summons. If an officer does not have an adequate number of pre-printed business cards on their person, they shall offer to provide their information on a hand-written card or verbally. New York Administrative Code 14-174 (b) (BR 12).

PO Morro stated that she did not provide a business card because she did not have one. § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 13).

- PO Morro has been a member-of-service for eight years and has been a subject of one allegation in one case, which was not substantiated.

## Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint because he wanted the subject officers to be disciplined.
- According to the OCA, § 87(2)(b) has no history of convictions on NYC (BR 14).
- As of October 28, 2020, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR 15).

## Squad 6

Investigator: Mac Muir Supervising Investigator Muir 12/15/2021  
Signature Print Title & Name Date

Squad Leader: Jessica Peña      IM Jessica Peña      12/21/2021  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_